

REMARKS

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-10 were previously pending in this application. Within the Office Action, Claims 1-10 have been rejected. By the above amendments, Claims 1 and 5 have been amended and Claims 4, 9 and 10 have been canceled. Accordingly, Claims 1-3 and 5-8 are currently pending.

Objections

Within the Office Action, Claim 4 has been objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. By the above amendments, Claim 4 has been canceled.

Within the Office Action, Claim 10 has been objected to because “supports” lacks antecedent basis. By the above amendment, Claim 10 has been canceled.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,726,350 to Herold (“Herold”) in view of U.S. Patent No. 6,241,362 to Morrison (“Morrison”). The Applicants respectfully disagree.

Herold teaches a simulated neon-light tube assembly with a transparent tube, a light-diffusing material, a light source and a power source. [Herold, Abstract] Herold also teaches a rear-light reflecting disk 46 and an LED circular shield 56. [Herold, col. 6, lines 18-23] “The rear disk 46 functions in combination with the front light-reflecting disk 38 to further produce an even distribution of light along the longitudinal surface of the tube 12.” [Herold, col. 6, lines 37-40] “The shield 56 is utilized to eliminate a bright spot that is otherwise visible at the starting point of the LED light beam.” [Herold, col. 6, lines 44-47] However, Herold does not teach a cap-shaped light scattering member *removably fitted* to the light source support to *scatter illumination light* emitted from each light source. Neither the rear disk nor the shield of Herold are a cap-shaped light scattering member. Furthermore, neither are removably fitted to the light source. Herold also does not teach a shielding/diffusing member *removably installed* inside the shade member to shield the lighting stand while further diffusing the illumination light emitted from each light source so that the illumination light will go out of the outer surface of the shade

member. Herold also does not teach that the shielding/diffusing member has an *elasticity* for radial spread-out from a rolled up state.

Morrison teaches a lighted display with three LEDs, each of a different color. However, Morrison is not specifically shown to teach anything of the claimed invention in the Office Action. Furthermore, Morrison does not teach a cap-shaped light scattering member *removably fitted* to the light source support *to scatter illumination light* emitted from each light source. Morrison also does not teach a shielding/diffusing member *removably installed* inside the shade member to shield the lighting stand while further diffusing the illumination light emitted from each light source so that the illumination light will go out of the outer surface of the shade member. Morrison also does not teach that the shielding/diffusing member has an *elasticity* for radial spread-out from a rolled up state.

In contrast to Herold, Morrison and their combination, the present invention is directed to an illumination device which includes a lighting stand in which a torch portion includes a light source support on which a plurality of light sources is supported and is provided upright on a base in which a control circuit unit is used to change the light emission from each of the light sources, a light removably fitted scattering member formed by molding a semitransparent resin to have a cap-like shape nearly like a candle frame, fitted on the light source support and which scatters the illumination light emitted from the light sources, to be bright itself, a shade member formed from a transparent resin and attached over the outer surface of the lighting stand, and a removably installed shielding/diffusing member assembled, being rounded like a cylinder, with elasticity, inside the shade member to diffuse the illumination light emitted from the light sources. Thus, the illumination light emitted from the light sources can be projected on the shade member to create flaring illumination light like a candle frame. As described above, Herold, Morrison and their combination do not teach a cap-shaped light scattering member *removably fitted* to the light source support *to scatter illumination light* emitted from each light source. Herold, Morrison and their combination also do not teach a shielding/diffusing member *removably installed* inside the shade member to shield the lighting stand while further diffusing the illumination light emitted from each light source so that the illumination light will go out of the outer surface of the shade member. Herold, Morrison and their combination do not teach that the shielding/diffusing member has an *elasticity* for radial spread-out from a rolled up state.

Additionally, by the above amendments, Claim 1 incorporates the limitations of Claim 9 as well as other limitations. Specifically, Claim 1 now includes the following limitations:

a lighting stand including a torch portion having installed integrally thereto a light source support to removably support each of the light sources at a predetermined height in proximity circumferentially to one another, and a base portion supporting the torch portion in upright position and

said light source support defining separate areas for said light sources by a separator formed by bending a thin metal sheet inserted into fitting recesses formed between said light sources on an end face of said torch portion; said thin metal sheet being bent so as to be gradually narrower in width upwards from said base portion along the axial direction to form said separator.

As is described in detail below, the cited references do not teach the claimed invention.

The independent Claim 1 is directed to an illumination device. The illumination device of Claim 1 comprises a plurality of light sources which are changed in light emission individually under the control of a control circuit, a lighting stand including a torch portion having installed integrally thereto a light source support to removably support each of the light sources at a predetermined height in proximity circumferentially to one another, and a base portion supporting the torch portion in upright position, a cap-shaped light scattering member removably fitted to the light source support to scatter illumination light emitted from each light source, a transparent or semitransparent shade member shaped in the form of a cylinder having a longer axis and larger diameter than the lighting stand and installed to surround the lighting stand and a shielding/diffusing member removably installed inside the shade member to shield the lighting stand while further diffusing the illumination light emitted from each light source so that the illumination light will go out of the outer surface of the shade member, said light source support defining separate areas for said light sources by a separator formed by bending a thin metal sheet inserted into fitting recesses formed between said light sources on an end face of said torch portion; said thin metal sheet being bent so as to be gradually narrower in width upwards from said base portion along the axial direction to form said separator, the light emission from the light sources being controlled to change the brightness of the illumination light on the outer surface of the shade member, to thereby create flaring illumination light like a candle flame. As described above, neither Herold, Morrison nor their combination teach a cap-shaped light scattering member *removably fitted* to the light source support *to scatter illumination light* emitted from each light source. Also, neither Herold, Morrison nor their combination teach a

shielding/diffusing member *removably installed* inside the shade member to shield the lighting stand while further diffusing the illumination light emitted from each light source so that the illumination light will go out of the outer surface of the shade member. For at least these reasons, the independent Claim 1 is allowable over the teachings of Herold, Morrison and their combination.

Claim 4 has been canceled by the above amendment. Claims 2, 3 and 5-7 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Herold, Morrison and their combination. Accordingly, Claims 2, 3 and 5-7 are all also allowable as being dependent upon an allowable base claim.

Furthermore, Claim 7 adds a limitation specifying wherein the shielding/diffusing member has an *elasticity* for radial spread-out from a rolled-up state and can be *removably attached* over the inner surface of the shade member. As described above, Herold, Morrison and their combination do not teach wherein the shielding/diffusing member has an *elasticity* for radial spread-out from a rolled-up state and can be *removably attached* over the inner surface of the shade member. For at least these additional reasons, Claim 7 is allowable over the teachings of Herold, Morrison and their combination.

Within the Office Action, Claim 6 has been rejected as being unpatentable over Herold in view of U.S. Patent Publ. No. 2004/0179355 to Gabor. Claim 6 is dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Herold, Morrison and their combination. Accordingly, Claim 6 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 8 has been rejected as being unpatentable over Herold in view of U.S. Patent No. 5,852,514 to Toshima. Claim 8 is dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Herold, Morrison and their combination. Accordingly, Claim 8 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 9 and 10 have been rejected as being unpatentable over Herold in view of U.S. Patent No. 6,575,613 to Brown ("Brown"). Although Claims 9 and 10 have been canceled, the limitations of Claim 9 and limitations from paragraphs [0029] and [0031] of the Present Specification have been incorporated in the independent Claim 1. By the above amendments, Claim 1 is now allowable over Herold, Brown and their combination.

The Brown patent is directed to an illumination device 10 constituted by a housing 12 made up of a base portion 13 and an upper base portion 15, in which recesses 17 in which to

mount the light sources are formed in the upper base portion 15 of the housing 12 to separate the light sources from one another. [Brown, col. 4, line 55 through col. 5, line 11 and Figs. 1, 2 and 4]

It is true that the Brown patent discloses dividing into respective light sources. However, the technique disclosed therein resides in dividing into the light sources by forming recesses in the base portion of the housing structure. In more detail, the separator and the base portion are formed integrally together, while the light sources are not in proximity to one another.

With the present invention, a light source support, adapted to removably support each of the light sources at a predetermined height in proximity circumferentially to one another, is provided at a forward end face of a torch portion, and the light source support defines separate areas for the light sources by a separator formed by bending a thin metal sheet inserted into fitting recesses formed between the light sources on an end face of the torch portion. The thin metal sheet is bent so as to be gradually narrower in width upwards from the base portion along the axial direction. That is, in the present invention, the separator is not formed integrally with the base portion, and the light sources are separated from one another by inserting the separator into the fitting recesses formed between the light sources of the light source support.

That is, with the present invention, the assembling operation is able to be carried out very easily by inserting the separator into the fitting recesses of the light source support. At the same time, the illumination device, in which multiple light sources are separated from one another, is able to be manufactured at a low cost. [Present Specification, Paragraph [0048]]

By separating the light sources from one another by this separator, light emitted by the light sources is able to be reflected efficiently outside to create an illumination with emphasis placed on light flaring. [Present Specification, Paragraph [0033]] In addition, the separator in the present invention is prepared by bending a metal sheet so that the width thereof becomes gradually smaller from the base portion towards above along the axial direction, and hence the light more approximate to a flame is able to be produced. Furthermore, the light flaring effect is able to be intensified as a result of diffraction of light from the light sources located closer to one another at the narrow portions to produce a state closer to real light flaring. Such excellent results cannot be premeditated from the technique of the above-mentioned references.

As described above, the present invention cannot be arrived at with ease because it has favorable effects in comparison with the cited references and gives rise to outstanding effects that cannot be predicted from the techniques of the cited references.

Therefore, the amended Claim 1 is allowable over the cited references because the cited references do not teach said light source support defining separate areas for said light sources by a separator formed by bending a thin metal sheet inserted into fitting recesses formed between said light sources on an end face of said torch portion; said thin metal sheet being bent so as to be gradually narrower in width upwards from said base portion along the axial direction to form said separator. For at least these reasons, the independent Claim 1 is allowable over the teachings of the cited references.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: January 3, 2008

By: /Jonathan O. Owens/
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicants